



DEPARTMENT OF THE NAVY  
COMMANDER MILITARY SEALIFT COMMAND  
914 CHARLES MORRIS CT SE  
WASHINGTON NAVY YARD DC 20398-5540

REFER TO:

COMSCINST 5330.2J  
N8  
24 April 2000

COMSC INSTRUCTION 5330.2J

Subj: POLICIES AND PROCEDURES GOVERNING OVERTIME, COMPENSATORY TIME AND HOLIDAY TIME FOR CIVILIAN EMPLOYEES AT THE MILITARY SEALIFT COMMAND

Ref: (a) DOD FMR Vol. 8  
(b) DON ltr 7420 FMO-234 of 25 Jul 97  
(c) OASD/FMP memo of 3 Jun 97

(R)

Encl: (1) NAVCOMPT Form 2282 (Overtime/Compensatory Time Request and Authorization)  
(2) Employees Nonexempt from the Fair Labor Standards Act (*FLSA*)  
(3) Employees Exempt from the *FLSA*  
(4) Procedures for Controlling Overtime

1. Purpose. To promulgate COMSC policy and procedures governing the approval of overtime and the granting of compensatory time and holiday work time for civilian employees at the Military Sealift Command (*MSC*).

2. Cancellation. COMSCINST 5330.2H.

3. Policy

(R)

a. References (a) through (c) provide guidance on the accumulation and timely use of compensatory time. The responsibilities of the command should normally be accomplished during regular working hours. Overtime, compensatory time and holiday work will be limited to cases of real necessity. Careful administrative planning shall be exercised to minimize instances of overtime, compensatory time and holidays being worked in proximity with non-emergency annual and sick leave. Accordingly, Program Managers, Functional Directors, Special Assistants and Area Commanders will take aggressive action to strengthen internal controls concerning the use of overtime, compensatory time and holiday work. Specifically, only the Program Managers, Functional Directors, Special Assistants and Area Commanders or the officially

designated alternates shall approve the Overtime/Compensatory Time Request and Authorization (*enclosure (1)*). Holiday work should be separately identified on both enclosure (1) and the timesheet in order to ensure that the holiday work payment is computed properly (*basic pay plus premium pay at a rate equal to the rate of the basic pay*).

b. In accordance with the provisions of reference (a), overtime will not be paid where the granting of compensatory time off is available under the law as an option to the government, except when a specific determination is made by Program Managers, Functional Directors or Special Assistants, and approved by N02 or N03 at Headquarters or Area Commanders (O-6s in command), as appropriate. Area Commanders may not delegate this authority. Note that when overtime is regularly scheduled, compensatory time is not an option under the law. A definitive requirement must exist and be documented prior to the beginning of the regularly scheduled administrative workweek in order for overtime to satisfy the “regularly scheduled” definition. See enclosures (2) and (3) for more specifics on holiday pay.

- R) 4. Approving and Computing Overtime and Granting Compensatory Time. The Fair Labor Standards Act (*FLSA*) exempts certain employees from the minimum wage and overtime provisions of the act and modifies Office of Personnel Management (*OPM*) policies for employees that are not exempt from the Act. Accordingly, all MSC staff positions have been identified as “exempt” or “nonexempt.” Nonexempt employees are covered by two laws that may affect computation of overtime. Enclosure (2) sets forth the overtime, compensatory time and holiday pay provisions for nonexempt employees. Enclosure (3) sets forth the overtime, compensatory time and holiday pay provisions for exempt employees. Enclosure (4) prescribes procedures for controlling overtime and granting compensatory time.
5. Forms. If using an electronic version of this instruction, enclosure (1) can be accessed for use by simply double clicking within the form’s text box. If the form has more than one page, you must double click on each page individually to access. It is also available on the MSC Headquarters Local Area Network (*LAN*). When accessing from the LAN, go to the Word for Windows menu, click on “File,” “New” and FRM2282. Other addressees may obtain the electronic version by forwarding a request to [cheryl.miller@msc.navy.mil](mailto:cheryl.miller@msc.navy.mil) or [nancy.barr@msc.navy.mil](mailto:nancy.barr@msc.navy.mil).

"Signed"  
G. S. HOLDER

Distribution:  
(See next page)

Distribution:

COMSCINST 5215.5

List I (*Case A, B, C*)

SNDL 41B (*MSC Area Commanders*)

41C (*NFAF East/West*)

41D (*MSC Offices*)

41E(*APMC*)

41J (*OICMILDEPTs*)

41K (*COMAPSRON FOUR*)

41L(*COMPSRONs*)

41M (*MSC TAGOS Project Office & Detachment*)

OVERTIME/COMPENSATORY TIME  
REQUEST AND AUTHORIZATION (7410)

FROM:					DATE:		
TO:				VIA:			
<div>It is requested that authorization be given for the following employees to perform work as indicated and justified below: See SECNAVINST 7000.11 for additional information.</div> <div><input type="checkbox"/> OVERTIME    <input type="checkbox"/> COMPENSATORY TIME    <input type="checkbox"/> CREDIT HOURS RELIGIOUS COMPENSATORY    <input type="checkbox"/> ADVANCE RELIGIOUS COMPENSATORY TIME</div>							
PAY NUMBER	FLSA STATUS	TYPE OF OVERTIME	NAME (Last, First, Middle Initial)	NUMBER OF HOURS	DATE(S)	(From)	(To)
	*SEE LEGEND BELOW						
JOB ORDER NO.		WORK ORDER NO.		LOCATION			
JUSTIFICATION WHY THE OVERTIME OR COMPENSATORY TIME WORK CANNOT BE ACCOMPLISHED DURING NORMAL WORKING HOURS: (Not required for Religious Compensatory Time).							
SIGNATURE: (Requestor)					TITLE:		
AUTHORIZATION: <b>REQUEST IS:</b> <input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED			SIGNATURE (Approving authority)		DATE:		
NOTE: IF THIS REQUEST WAS NOT APPROVED IN ADVANCE OF THE TIME WORKED, ADD JUSTIFICATION FOR APPROVAL AFTER THE FACT.							
*LEGEND:    ➞	FLSA STATUS	TYPE OF OVERTIME		NOTE:    ➞	THIS REQUEST MAY CONTAIN INFORMATION SUBJECT TO THE PRIVACY ACT OF 1974 AS AMENDED.		
	N = NONEXEMPT E = EXEMPT	1 = REGULARLY SCHEDULED OVERTIME 2 = IRREGULAR OVERTIME					

24 April 2000

## NONEXEMPT EMPLOYEES

1. Overtime Entitlement. For each GS employee whose rate of pay does not exceed the minimum rate for a GS-10, the overtime hourly rate is one and one-half ( $1\frac{1}{2}$ ) times the employee's hourly rate of pay.
2. Compensatory Time Off
  - a. Basic requirements for granting compensatory time. Compensatory time, in lieu of overtime pay, for irregular or occasional overtime work, may only be granted when requested by the employee.
  - b. Payment. Compensatory time not used within 26 pay periods will be paid as overtime at the rate it was earned.
  - c. Payoff. Payoffs of compensatory time will no longer occur when an employee changes activities or unit identification codes; but will continue to be paid when the employee separates or transfers to another DOD Agency.
3. Holiday Work. An employee who performs work on a holiday designated by Federal statute is entitled to pay at the rate of basic pay plus premium pay at a rate equal to the rate of the basic pay. (A
4. Overtime Approval. See enclosure (4).

## EXEMPT EMPLOYEES

1. Overtime Entitlement. Except as prescribed in this instruction, payment for overtime work will be computed at one and one-half ( $1\frac{1}{2}$ ) times the hourly rate of the basic salary (*see para. 3 below for limitations*).

2. Compensatory Time Off

a. An exempt employee whose pay does not exceed the maximum scheduled rate of basic compensation for GS-10 may elect to receive overtime pay or compensatory time for overtime worked.

b. Exempt employees whose pay exceeds the maximum scheduled rate of basic compensation for GS-10 will be granted compensatory time vice overtime pay for overtime work. Any exception will require a specific determination by the Program Manager/Functional Director/Special Assistant and approval by N02, N03 or the Area Commander as appropriate, that an exception is in the best interest of the command.

c. Compensatory time may not be granted for overtime work, which, if paid for, would result in an employee's pay exceeding the maximum scheduled rate for GS-15 for one pay period.

d. If the employee is not in a use or lose situation and has a compensatory time balance, compensatory time will be exhausted before annual leave is approved.

e. Compensatory time not used within 26 pay periods will be paid as overtime at the rate it was earned.

f. Payoffs of compensatory time will no longer occur when an employee changes activities or unit identification codes; but will continue to be paid when the employee separates or transfers to another DOD Agency.

3. Maximum Payment for Overtime. In no case will the overtime hourly rate exceed one and one-half ( $1\frac{1}{2}$ ) times the minimum scheduled rate of basic compensation provided for at grade GS-10. At no time will additional pay (*overtime, night differential, holidays, etc.*) cause the aggregate pay of any employee to exceed the maximum scheduled rate for GS-15 for one pay period.

4. Holiday Work. An employee who performs work on a holiday designated by Federal statute is entitled to pay at the rate of basic pay plus premium pay at a rate equal to the rate of the basic pay. Compensatory time cannot be earned for holiday work.

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5. Overtime Approval. See enclosure (4).

## PROCEDURES FOR CONTROLLING OVERTIME

### 1. Procedures

a. Specific requests for overtime pay vice compensatory time for exempt employees whose pay exceeds the maximum scheduled basic rate of a GS-10 should be in memorandum form and addressed to the Payroll Liaison Office via N02 or N03 for headquarters or to Area Commanders, as appropriate. Requests should state individuals and time periods involved and include justification for payment of overtime in lieu of compensatory time.

b. Supervisors will evaluate each overtime work request prior to submission (*2 copies*) to the Program Manager/Functional Director/Special Assistant (*via Division Director*) for approval.

c. Authorization for overtime, compensatory time, or holiday time shall be in writing in advance of the performance of work, except when the exigency of the situation prevents prior approval. In such an instance, written approval will be accomplished not later than the first normal working day after the work is performed.

d. All codes will identify personnel working overtime/compensatory time/holiday time (*see enclosure (1)*) within their code who are on loan from another code, i.e., N2 secretary performing secretarial duties in N6.

e. One copy of the "approved" or "disapproved" overtime request will be returned to the Division Director. The approved original of the request will be forwarded to the Payroll Liaison Office prior to, or with the timesheets.

f. After the approved overtime/compensatory time/holiday time is worked, the actual hours worked and amount expended will be verified by the certifying official and acknowledged by the signature on the timesheet. It is important to properly differentiate between overtime, compensatory time and holiday time, as they are paid differently. Special attention should also be taken to assure that timesheets do not reflect future overtime/compensatory time/holiday time, i.e., timesheets submitted to the Payroll Liaison Office showing overtime/compensatory time/holiday time prior to the work being accomplished. This overtime/compensatory time/holiday time worked must be provided on supplemental timesheet. Signature of the approving/certifying individual must be on file in the Payroll Liaison Office.

g. The Payroll Liaison Office will compare Overtime Authorization Requests with the timesheets to ensure that overtime/compensatory/holiday hours worked comply with paragraph c above. Overtime/ Compensatory Time Request and Authorization forms and copies of the timesheets will be filed in the Payroll Liaison Office.